



James W Neale
25 Fox Valley Road
Wahroonga NSW 2076

Our ref: MP08_0207 & MP10_0219

Dear Mr Neale,

Subject: Concept Plan (MP08_0207) & Project Application (MP10_0219) - Residential development at Avon, Beechworth and Arilla Roads, Pymble

I refer to your Environmental Assessment (EA) for the proposed redevelopment of the above site. As you are aware, the Department has exhibited the application and a copy of all submissions received have been forwarded for consideration. In this regard, in accordance with Section 75H of the *Environmental Planning and Assessment Act 1979*, the Director-General requires that a response to the issues raised in these submissions be provided, in addition to addressing any issues raised by the Department of Planning.

The Department has reviewed the submissions received and considered the proposal as detailed in the EA. The Department has identified a number of issues with the proposal relating to height and building layout, environmental constraints, residential amenity, traffic generation and carparking. These issues are outlined in **Schedule 1**.

The Department will also require additional information to complete its assessment as outlined in **Schedule 2**.

It is considered that a Preferred Project Report (PPR) should be prepared identifying how you have addressed issues raised by the submissions and the Department. The PPR must also demonstrate measures to minimise any environmental impacts of the proposal. Revised Statements of Commitment for the Concept Plan Application and the Project Application should also be provided incorporating any amendments following your response to the submissions and should be submitted as separate documents.

The Department is available to meet to discuss the issues raised in the public submissions and this letter. In this regard, please contact Andrew Smith, Team Leader, Metropolitan & Regional Projects South, on (02) 9228 6457 or via email at andrew.smith@planning.nsw.gov.au.

Yours sincerely,

19.4.11

Chris Wilson
Executive Director
Major Project Assessments

SCHEDULE 1 – KEY ISSUES

Land Amalgamation and Site Description

The Department notes that it is intended to amalgamate new land with the existing site and the Preferred Project Report (PPR) should confirm the **final** configuration and area of land comprising the development site and amend/update all relevant plans and reports accordingly. It should be noted that any land to be included within the PPR site, but not currently in the ownership of the Proponent, will require the submission of an owners consent to the Department.

Building height, scale and character

The heights of the Stage 4 and Stage 5 Concept Plan envelopes are considered to be excessive and should be amended to reduce the visual impacts of the overall proposal and to provide a more appropriate relationship and transition with the local urban context. In this regard, the PPR should provide a further analysis of these envelopes including options for reductions in height. That analysis should also include the potential relocation and/or reconfiguration of Envelopes 4 and 5 to maximise tree retention, particularly in respect of Envelope 4, which has been identified by DECCW as having a potential detrimental impact upon the connectivity values of vegetation on site.

Any redistribution of floorspace in respect of the above requirements is unlikely given the existing site constraints and the scale and character of existing development adjacent the site boundaries.

Building height and amenity impacts

The height of the 7 storey portion of the Stage 3 Concept Plan envelope is excessive and options for reducing the height, bulk and scale should be considered to reduce the amenity impacts upon the adjacent residential properties.

The setback and height of the Stage 1 Project Application building should be amended taking into consideration the potential impacts of height, bulk and scale upon No. 7 Avon Road. In this regard, particular consideration should be given to the height and expression of the elevated building podium, the minimal landscape setback to the adjacent side boundary and the location of the main driveway.

Any redistribution of floorspace in respect of the above requirements is unlikely given the existing site constraints and the scale and character of existing development adjacent the site boundaries.

Environmental constraints

Agency submissions have identified that a range of environmental constraints relating to vegetation corridors, riparian setbacks and bushfire risks affect the site.

The Council, NOW and DECCW have identified the natural drainage line on site as a “river” (as defined) and accordingly, issues relating to the Core Riparian Zone and rehabilitation of the riparian corridor are important considerations.

The PPR should provide a more coordinated analysis of the capacity of the site in a single document, with particular reference to the submissions from Department of Environment Climate Change and Water (DECCW), NSW Office of Water (NOW), Rural Fire Services (RFS) and Kuring-gai Council. This further analysis may require a review of the submitted Flora and Fauna Assessment, Vegetation Management Plan (VMP), and Landscape Masterplan, and should map the required bushfire Asset Protection Zone (APZ) and the required CRZ on one diagram together with the location of building footprints and other key infrastructure such as drainage works and pathways. The PPR should also consider options for relocating the Stage 3 and 4 Concept Plan envelopes clear of the Core Riparian Zone (CRZ).

The PPR should also address the inconsistencies between the Flora and Fauna Assessment, VMP, Bushfire Assessment and Landscape Masterplan identified by Agency submissions.

The Council and DECCW have indicated that the EA does not clearly identify the trees to be removed and trees to be retained on site, particularly in respect of Sydney Blue Gums. The PPR should provide an updated and more detailed plan.

Traffic generation, road capacity and carparking

Agency submissions have noted the potential of the proposal to impact upon the local road network, particularly in respect to the Pacific Highway and Beechworth Road intersection, and the Pacific Highway and Livingstone Road intersection. Submissions have also identified that the new connecting road across the site between Beechworth Road and Avon Road would assist in alleviating local traffic congestion.

Further assessment is required in relation to the capacity of the local road network and road intersections to accommodate the additional traffic to be generated by the increase in density above the density contemplated by the Ku-ring-gai Town Centres LEP. In this regard, a detailed justification is required for the application of the "high density residential" traffic rate of 0.29 vehicles trips per dwelling from the RTA's Traffic Generating Guidelines. The Council has indicated that the "medium density residential" rate of 0.4 vehicles trips per dwelling is more appropriate to the local urban context.

The further assessment should also detail the potential implications for the local road network of NOT providing the new cross site road.

The amount of carparking proposed for the Concept Plan and Stage 1 Project Application is considered excessive and incompatible with the objectives of Metropolitan Plan 2036. Given the site's high accessibility to public transport, consideration should be given to reducing the number of car parking spaces proposed in line with a minimalist approach and consistent with Council's local controls.

Contributions, works – in - kind offsets and provision of infrastructure

Further clarification and consideration of Section 94 Contributions and provision of infrastructure for the site is required. The EA and plans have not clearly identified proposed infrastructure works that are to be provided as a direct result of the proposal either on site or within the public road reserve.

Specifically, the EA notes that a connecting link for pedestrians will be established in lieu of the identified connecting road between Avon and Beechworth Road, however no details have been provided for these works or with respect to the staging of these works.

Section 94 Contributions should be reassessed in accordance with Council's submission and the recently adopted Town Centres Section 94 Plan. Any works proposed to be offset against monetary Section 94 Contributions should be clearly identified and justified.

In addition, Railcorp's submission has identified the need to provide upgrades to the access path between the site and Pymble Station, and upgrades to the pedestrian underpass to Pymble Station, and these matters should be considered in the PPR and the timing and extent of any public benefit works should be identified.

SCHEDULE 2 – ADDITIONAL INFORMATION REQUIRED/ COMMENTS

In addition to any revised architectural plans and supporting documentation, including analysis of options and designs reflecting the issues raised in **Schedule 1**, the following information is also required:

- The following additional/revised plans and documents are required:
 - Electronic copies of the aaSIDRA analysis for the Pacific Highway intersections are required for detailed assessment as indicated in the RTA's submission.
 - A schedule of calculations for the overall site coverage of the development and the deep soil area. It is noted that the deep soil area is the area of open space on site with no structures below ground level.
 - A report indicating that the buildings in Envelopes 2, 3, 4 and 5 are capable of meeting the solar access and cross ventilation requirements of SEPP 65 and the Residential Flat Design Code (RFDC).
 - A plan indicating that the buildings in Envelopes 2, 3, 4 and 5 are capable of meeting the building separation requirements of SEPP 65 and the RFDC.
 - Confirmation that all access roads comply with Section 4.2.7 of *"Planning for Bush Fire Protection 2006"*.
 - The Bushfire Mapping shall be amended in accordance with Council's submission dated 4 February 2011.
 - The future intended use of the battleaxe access to Arilla Road should be clarified.
 - Separate Revised Statements of Commitments should be provided for the Concept Plan and the Stage 1 Project Application as separate documents to the PPR, and where appropriate, provide a response to the requirements of other agencies and the Department's key issues. DECCW has indicated that no commitment has been made in relation to undertaking a detailed contamination assessment of the site and possible remediation works (if required) prior to the commencement of excavation works on site, and this matter should be given consideration.
 - The Landscape Masterplan should be amended to detail proposed pedestrian linkages across and through the site, particularly in respect of providing access to the communal open space at the south - western corner of the site.
 - Indicative elevation plans of each of the Concept Plan envelopes including existing ground levels.
 - Dimensioned cross-section plans detailing the relationship between the following existing and proposed buildings;
 - No. 15 Avon Road and Envelope 3
 - No. 6 Beechworth Road and Envelope 5
 - No. 10A Beechworth Road and Envelopes 4 & 5
 - No. 7 Avon Road and Envelope 1
 - Plans detailing the indicative extent of cut and fill required across the site and adjacent to site boundaries and details should be provided of the potential impacts on the CRZ.
 - The Concept Plan and Stage 1 plans should clearly identify the communal open space areas and include a schedule of the amount of communal open space available to individual buildings.
 - A Stormwater and Drainage Management Concept Plan should be provided for the proposal as required by the DGR's, and shall include a consideration of the quality of stormwater runoff, management of environmental flows and identify that stormwater devices and infrastructure will be located outside of the CRZ.
 - A plan of the Concept Plan envelopes 1, 2, 3, 4 and 5 showing the height above ground level in storeys at the corner of each of the envelopes.

Stage 1 Project Application

- The following additional/revised plans and documentation is required:
 - A site plan locating the Stage 1 development in relation to the whole site shall be provided and should detail all site works proposed to be undertaken with Stage 1.
 - Amended landscape plan identifying existing and proposed levels around the building and soil depths over basement levels and within planter boxes.
 - Appropriate plans and a solar access report shall be provided verifying that the Stage 1 building complies with the solar access and cross ventilation requirements of SEPP 65 and the RFDC.
 - A schedule of unit sizes and balcony sizes (and dimensions) demonstrating compliance with minimum size requirements of SEPP 65 and the RFDC.

Clarification required

- Clarify errors and inconsistencies in the submitted documentation including, but not limited to:
 - 355 units are proposed in the EA but Concept architectural plans show 350 units.
 - The number of storeys identified in the EA for buildings are inconsistent with those shown in the Concept architectural plans.
 - The deep soil zones identified in the landscape plans are inconsistent with other plans.